

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7110 of 2021

Arising Out of PS. Case No.-393 Year-2020 Thana- BIKRAMGANJ District- Rohtas

=====

SOHAIL ANSARI @ SOHEL ANSARI SON OF LATE KAYAMUDDIN
ANSARI RESIDENT OF VILLAGE- MOHINI, P.S.- BIKRANGANJ,
DISTRICT- ROHTAS.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vikramdeo Singh, Adv.
Mr.Shankar Kumar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-11-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest

bail in connection with Bikramganj P.S. Case No.393/2020

registered for the offences punishable under Sections 457,

354(A), 506 and 379 of the Indian Penal Code.

Learned counsel for the petitioner submits that the

petitioner and the informant are close-door neighbours and from

the allegations made in the First Information Report it would

appear that the alleged occurrence in which the petitioner is said



to have entered in the house of the informant took place on 06.09.2020 whereas the present FIR has been lodged on 08.09.2020 i.e. after two days which in the facts of the present case would give rise to give suspicion to the prosecution case.

Learned counsel further submits that the major Sections are under Section 354A and 379 of the Indian Penal Code in which the maximum punishment is up to three years only. Moreover the petitioner being neighbour of the informant seems to have been falsely implicated in this case as there was a dispute between both the parties over irrigation of field and the petitioner had been threatened with dire consequences. There is no witness to the alleged occurrence and it is highly improbable that a close-door neighbour would enter into the house of the informant without concealing his face.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioner but in the facts and circumstances where there is a delay of two days in lodgment of the FIR and both the parties are said to be close-door neighbours as also some disputes have been contended between the parties, this Court directs that the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Bikramganj P.S. Case No.393/2020 be



released on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, 1st, Bikramganj, District-Rohtas, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

